CA 1602

(1) (3)

IN THE HIGH COURT OF CHHATTISHGARH AT BILASPUR

WRIT PETITION No. 4211 **2003**

PETITIONER ------ Sameer Kumar Mukherjee S/o Shri J.N. Mukherjee , Aged about 46 years, Occu.- Astt. Teacher (D.I.E.T.), Govt. Practical Girl's Primary School Kedarpur Ambikapur , Distt.- Surguja (C.G.)

P. R. No. 4017/03
Presented by Shri Vinod Kr. Chandrawal
dated 31.12.03

VERSUS

RESPONDENT ------ 1. Chhattishgarh Govt. through Secretary School education D.K.S. Bhwan Raipur

2. Director Public Education Directorate Pension Bada Raipur. (C.G.)

3. District Education Officer Surguja Ambikapur Distt. Surguja (C.G.)

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31/12/03
Clerk to A. G. Bilaspur

WRIT PETITION U/A 226/227 WOF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF MANDAMUS, CERTIORARI / DIRECTION / ORDERS.

XI-HC-22

(28)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.4211/2003 सन् 200

विरुद्ध

आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

07.01.2004

Smt. Hamida Siddique, counsel for the petitioner.

Ms. Sharmila Singhai, Dy. Govt. Adv. takes notice for the State/ respondent no.1 to 3.

Heard.

By this writ petition under Article 226 & 227 of the Constitution of India the petitioner has challenged the transfer order dated 16.12.2003 by which he has been transferred from Practical Government Girls Primary School, Kedarpur , Ambikapur to Government Middle School, Bouripar, Ambikapur.

Learned counsel for the petitioner submits that the petitioner is ready to execute the transfer order and to proceed on the transfer but the only difficulty is that the petitioner's daughter is suffering from Tuberculosis and she is regularly receiving treatment at Ambikapur and on account of her ailment the petitioner was accommodated in the Ambikapur city. Counsel for the petitioner further submits that the place where the petitioner is transferred is seven kilometers away from the present place of posting and the petitioner is residing in a quarter allotted to him by the District Institute of Education and Training and as soon as the petitioner will be relieved he has to vacate the quarter. She further submits that the transfer has been effected in the mid academic session when his children are to appear in the final examination which are going to be held in the month of March 2003. Therefore, at this stage only relief the petitioner is seeking is

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

that he may be allowed to continue in the quarter till the end of this academic session.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the request of the petitioner appears to be just and fair. It is therefore directed that looking to the personal difficulties of the petitioner he may be allowed to continue in the quarter till 15th April 2004.

With the aforesaid direction the petition stands disposed of.

Consequently, M.W.P. 3755/2003 also stands disposed of.

Certified copy as per Rules.

Sd/-
L.C.BHADOO
Judge